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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,456	10/29/2003	Kaname Joushita	K06-163174M/AT	4566

21254 7590 10/20/2005

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,456

Applicant(s)

JOUSHITA, KANAME

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3, 7-10, 12-15, 17 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. An Amendment was filed 7/27/05 in which Claims 5, 11 and 16 were also cancelled, and Claims 17-21 added.

2. The drawings are objected to because in relevant figures, the "elastic member 45" is not correctly depicted with alternately heavy cross-hatching. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended."

If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

(This issue was provided in the last Office Action, and was not addressed)

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 1, 2 and 4, the "plate-shaped portion(s)" of the "elastic member" are unclear, and cannot be identified. *As best understood*, in fig 3, "elastic member 45" has a multi-pronged shape, as broadly interpreted. Amendment/clarification will aid in comprehension of the invention.

As best understood, in these claims, "wherein at least one of said plate-shaped portion, and said first and second member, comprises a circumferentially extending projection at an outer periphery" (emphasis added), to the end of the claim, is unclear because "when no/low torque is applied to one of first/second members" (emphasis added), it is not possible that the "projection contacts the first/second member". That is, if the first/second member includes this projection, it cannot "contact" itself. Amendment/clarification is required.

In Claim 2, in the last paragraph, "at least one of the clamping faces and a clamped face...comprise a plurality of...projections" (emphasis added) is unclear. *As best understood*, according to fig 3, the first member, second member, and elastic member, *themselves* – and not "faces" – may be interpreted as including "projections".

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- A. *As best understood*, **Claims 1, 2, 4, 6 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oka et al 6782771 in view of Hein 3313125.

Oka discloses an electric power steering device for transmitting rotation of electric motor 6 to a steering mechanism (fig 3) through small gear 71, and large gear 72, comprising

First member 81 disposed on rotary shaft 60 of the motor,

Second member 82 disposed at one end (fig 3) of the small gear,

Elastic member 83 interposed between the members.

The reference does not disclose the elastic member as having moduli, while Hein shows a similar drive configuration with first and second members, including

Elastic member 12 having a first elastic modulus corresponding to a torsion angle between the members that is less than a threshold, and a second elastic modulus corresponding to a torsion angle more than, or equal to, the threshold, the first modulus being less than the second

– as provided in c3, ln 22-54,

the elastic member comprising axially-extending plate-shaped portions, *as best understood*, and has a bifurcated structure, comprising first portions 12, and second portions 26,

Wherein first member 10, and second member 11, comprise protrusions 15 and 16, respectively,

The protrusions including clamping faces 18 and 16, respectively,

the elastic member including projections 26, *as best understood*,

contacting the first/second member when no/low torque is applied to the latter (fig 1).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Hein, to provide increased shock absorption during application of varying torque between these components, thus decrease wear and noise. Inclusion of an elastic member between moving parts is well-known to achieve these objectives.

5. Claims 3, 7-10, 12-15, 17 and 19-21 are allowable because prior art does not disclose the device described above further comprising, *inter alia*, the elastic member as including a projection having a bifurcated structure defining a slit portion (Claim 3).

6. RESPONSE TO REMARKS

Examiner reiterates rejections of several claims employing Oka in combination with Hein, as provided above. Hein obviates the first and second members, and elastic member, including some elements having issues of clarity, as indicated in paragraph 3.

Applicant is asked to note allowable subject matter.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


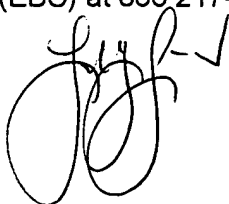
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 2726649, M-F, 9-5. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 571 2726651. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum, Examiner
10/13/05



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